

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE VIISAGE TECHNOLOGY)
INC. SECURITIES) C.A. No. 05-10438-MLW
LITIGATION)

ORDER

WOLF, D.J.

February 6, 2007

As stated in court on February 1, 2007, it is hereby ORDERED:

1. The parties shall By February 14, 2007, file supplemental memoranda addressing:

a. In chronological order the specific statements or alleged omissions concerning the Georgia litigation on which plaintiff relies in the complaint.

b. Which documents referenced in the complaint the court may consider under Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993) and Beddal v. State Street Bank and Trust, Co., 137 F.3d 12, 16-17 (1st Cir. 1998).

c. The implications of In re Seachange Int'l., Inc., C.A. 02-12116, 2004 WL 240317 (D. Mass. Feb. 6, 2004) and any other relevant cases to plaintiff's claims concerning the Georgia litigation.

2. Plaintiff shall, by February 8, serve a settlement demand upon defendants.

3. Defendant shall, by February 21, respond to the demand.

4. A further hearing will be held on February 23, 2007, at 10:30 a.m. A representative of each party with full settlement authority shall attend unless counsel have such authority.

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE